

**CITY OF PORT ORFORD
REGULAR SESSION OF THE COMMON COUNCIL
IN GABLE CHAMBERS
THURSDAY, DECEMBER 18, 2008, AT 7:00 P.M.**

AGENDA

(Citizen's Comments on Intent to File Application for Federal Grant)

1. **Call to Order/Pledge of Allegiance**
2. **Additions to the Agenda**
3. **Special Reports**
 - a. Citizen's Comments on Intent to File Application for enlargement of Hubbard Creek Impoundment Area
4. **Citizens Concerns (Sign Up)**
5. **Departmental Reports**

a. Administration b. Public Works c. Finance d. Police Department e. Planning Department f. Liaison Reports* g. Mayor's Report	Chamber of Commerce* CTR & Streets* Parks/TLT* Police* Port* Watershed/Lake* <u>Subcommittee Reports</u>
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6. **Old Business**
 - a. Approve Revised Intergovernmental Agreement for County Juvenile Dept. Space
7. **New Business**
 - a. Approve Parks Master Plan
 - b. Approve Draft MOU with POORT Re: DLCD Grant for Stormwater
 - c. Approve Audit of FY2007-2008 Budget
8. **Consent Calendar**
 - a. Approve Revised Meeting Minutes of November 17, 2008, Regular Session and Executive Session
 - b. Approve Election Proclamation
 - c. Approve Appointment of John Sovereign & Dee Finch to the TLT Committee
 - d. Approve Appointment of Dee Finch to the Parks Commission
 - e. Accept Resignation of Councilor Milton Finch, Sr.
9. **Continuing Action Items**
 - a. Jefferson Street Sinking Manhole
 - b. Website
 - c. Police Levy
10. **Considerations**
 - a. Citizen Considerations
 - b. Staff Considerations
 - c. Councilor Considerations
 - d. Mayor Considerations
11. **Future Meetings**
 - a. Thursday January 15, 2008, 7:00 p.m., Regular Council Meeting
12. **Adjourn**

CITY OF PORT ORFORD
REGULAR SESSION of the COMMON COUNCIL
GABLE CHAMBERS
MONDAY, DECEMBER 18, 2008 at 7:00p.m.

Councilors present: B. McArdle, S. Abbott, J. Hewitt, D. Smith and Mayor Auburn

Councilors absent: E. Beck, M. Finch, Sr.

Staff present: M. Murphy, City Administrator; S. McKenzie-Kudlac, City Attorney;
B. Manes, City Recorder

Others present: Evan Kramer, Port Orford Today, Carol Berger, Port Orford News

Citizens present: ~ 25

1. Call to Order/Pledge of Allegiance

Mayor Auburn called to order this Regular Session of the Common Council of the City of Port Orford in the Gable Chambers, Monday, December 18, 2008, at 7:00 p.m. He then asked all present to please rise and join him in the pledge of allegiance.

2. Additions to the Agenda

Mayor Auburn stated there were a couple of additions and changes to the agenda. Under Special Reports, 3.b. there will be a report from Elaine Roemen on the Main Street Program. Under New Business, item c. it should read Approve Audit of 2007-2008 Financial Statements. There two additions to the Consent Calendar; item 8.f. Approve Appointment of Erna Barnett to the Budget Committee, and item 8.g. Approve ROW Usage License of Chris Hawthorne. Under Future Meetings add Friday, January 2, 2009 at 4:00p.m. a Special Meeting to install the new Mayor and Councilors.

3. Special Reports.

- a. Citizen's Comments on Intent to File Application for Enlargement of Hubbard Creek Impoundment Area.

Mayor Auburn read the Intent Notice which is in the council packet, and asked if there were any comments or questions with regard to the intent. There were none.

- b. Port Orford Arts Council reporting on a beautification project they hope to undertake

Elaine Roemen, Chair of the Port Orford Arts Council stated that she was there to ask the Council's blessing on a grant for which they are applying. The grant is called the Main Street Program and has been renewed by Governor Kulongowski for 2009, and is managed by the Oregon Economic and Community Development Department. The goal of the program is provide assistance to all communities wanting to revitalize their downtown, preserve their unique identity and create opportunities for economic development. The program funds a staff position, technical assistance, training promotion and competitive grants.

The Arts Council will be submitting a letter of intent next week. There is a grant application workshop in Salem, which some of them will be attending, she reported. One of the projects they are researching is the installation of attractive lamp posts and banners, and Coos Curry Electric has agreed to work with us with underground wiring and replacing existing poles. This project fits in nicely with the Main Street Grant. Mrs. Roemen stated that if approved they would submitting their application in March, and she handed out a program overview for the council to peruse, which is in the council packet.

Mayor Auburn asked if it was the consent of the council to let the Arts Council work with staff and pursue this grant application. It was the consensus of the council. Mrs. Roemen thanked the council.

4. Citizens Concerns

Jack Marohl asked if the police levy failing meant that there would be a reduction in next year's property taxes or would a yes vote have increased the property taxes? Mayor Auburn replied that a yes vote would have kept the property taxes the same; a no vote decreased the property taxes by \$1.41 per thousand.

Mr. Marohl asked about giving the Police Chief a golden handshake when they could have waited out his contract, and now he can collect unemployment as well and we have no police protection. Mayor Auburn stated that we still have two officers on our police force.

Mr. Marohl then asked if there were any way of getting a hold of meeting minutes of executive sessions. Mayor Auburn replied that there was not. The City Attorney stated that the minutes of an executive session were privileged information and are not releasable to the public. Mr. Marohl stated he put the council in office and shouldn't he be able to hear what they are talking about. The City Attorney repeated that it was State law, Public Records and Public Meeting law, and it is within the council's rights to do so.

Dale Bures stated that he has always admired those who volunteered to be on boards, which is why he voted against the recent recall, but he now regrets that given the actions taken against the Police Chief. He felt it was unbecoming action.

Dee Finch reported that the Mayor told her two weeks ago that he would recommend her for the TLT Committee and for the Parks Commission. Yesterday he told her that she was on the TLT Committee, but would not be appointed to Parks. When she asked why, she was told because the councilor's had too much animosity toward her husband to put her on Parks. She informed them that they could remove her name from TLT as well. Mayor Auburn stated that she was well qualified and he was trying to allow her to bow out gracefully as three councilors were going to disapprove it. She stated she wanted the public to know what was going on and that a well qualified person was being rejected because of her husband.

Mayor Auburn reminded her that he told her it was because of her name calling outburst against the council at the last meeting.

Councilor Abbott stated that he believed they were going to be able to vote on that later in the meeting and explain their reasons for voting against it at that time. However, she has now withdrawn.

Mayor Auburn replied that Mrs. Finch has withdrawn so we will remove her name from the consent calendar for the TLT Committee and the Parks Commission.

Councilor Abbott then stated that with regard to the Police Chief, the Chief at the October meeting asked for a buyout, and in November the council complied with that request, so he didn't know what the controversy was about. Councilor Abbott stated, it's in the minutes.

Ken Dukek commented that his first item is that there about two days of work left to complete painting City Hall, but we need to wait for good weather. If there are any other buildings he has some juveniles who can be put to work and he would like to see effort put into the north end of the county as this is where he lives. Mayor Auburn thanked him and his crew stating that they saved the City money and did a good job.

Another item Mr. Dukek stated is the Intergovernmental Agreement to rent space in the police department which is ready for City approval after the small revisions. He added that they were looking forward to being able to use that space.

The final item was the Blue Ribbon Committee and Mr. Dukek wanted to thank the two members of the City Council for submitting their applications to the Curry County Public Safety Blue Ribbon Committee. Councilor Smith has already been appointed by the Curry County Commissioners to be on that Blue Ribbon Committee and Councilor Hewitt is set to be appointed by the Commissioners on the 30th of December. It's good to see that we have involvement from North County and he just wanted to extend his appreciation to both councilors for participating.

Bob Hergert stated he cared for this community and had been a volunteer for over ten years. He stated that he was one to subscribe to Edmond Burton's principle that all that is necessary for evil to prevail is for good men to do nothing. So, he continued, it was his unpleasant duty to do something. While one hypocrite complained about spending \$2,000 on a recall, he had no problem voting to waste \$50,000 to \$100,000 to fire a cop solely out of spite. Four council members, who seem to share only one brain and their puppet mayor have made Port Orford an object of ridicule far beyond the city limits. They leave behind the rotten stench of corruption in their wake, and no matter how Nella Abbott tries to perfume that stench, it still stinks. Finally, good riddance to those who have harmed our city, and good luck to the new city council.

5. Departmental Reports

Administration – there were no questions or additions to the Administrators report.

Public Works – Mayor Auburn stated we have a new Superintendent reporting in January, and we have a new Maintenance worker, Kurt Franceschine who was introduced

by Mike Murphy. Mike Murphy then added that they should be proceeding on the chlorine generator and be ready for installation about the early part of February. He reported that the Community Building doors have been installed, and the Mayor added that the ramp has been finished at the Buffington Park bathroom.

Finance – there were no questions.

Planning Commission - there were no questions.

Liaison Reports:

Chamber of Commerce

Councilor Smith reported the Chamber met Monday and spoke of the annual Christmas lighting challenge with Gold Beach and there are some prizes involved thanks to Jeff Ferguson at Jerry's Rogue Jets. The awards banquet is coming up the end of January and the ballots for the awards have gone out thanks to V.P. Jim Billings. He congratulated Elaine Roemen for being elected Arts Council President, and the Chamber looks forward to working with the Arts Council in 2009 doing what we can for Port Orford.

CTR & Streets

Councilor McArdle stated he had nothing to report.

Parks & TLT

Mayor Auburn stated that Councilor Finch was the Parks liaison; he is gone, but we have a written report. There were no questions.

Port/POORT

Councilor Hewitt noted that Oregon Solutions has not had a meeting this month and there will probably not be one until sometime in January. He reported that dredging of the port will not take place now until April or May as if it were done now it would just fill back in due to the weather. There have been a couple of boats that have had fires down on the dock, and the investigations into those find that the port has no responsibility for those fires at all. They are doing ongoing and continuing education for fishermen, boat owners and their captains to avoid any further accidents on the dock. He further reported that they went over their SDAO best practices sheets, that is the Special Districts Administration of Oregon, the Port's Insurance Group, multipage safety document and pointed out a couple of things, but the port is in overall good shape in that regard.

Watershed/Lake [this item was accidentally missed]

Mayor's Report

Mayor Auburn stated he would like to add that the new Mayor and most of the new Councilors attended a Governing Basics Workshop in Florence last week, which he thought was very good, and there was an orientation session for the new Mayor and Councilors last Friday in the new library and he felt that went very well. They will be installed on January 2nd at 4:00p.m. here at City Hall.

6. Old Business

Approve revised Intergovernmental Agreement for County Juvenile Department Space

MOTION: Councilor Smith moved to approve the revised Intergovernmental Agreement for the County Juvenile Department to rent space in the new Police Department offices. The motion was seconded by Councilor Abbott.

Roll Call Vote:

“Yes”: W. McArdle, S. Abbott, J. Hewitt, D. Smith

“No”:

Motion Passed: 4 to 0

7. New Business

a. Approve Parks Master Plan

MOTION: Councilor Hewitt moved to approve the Parks Master Plan. Councilor Smith seconded the motion.

Roll Call Vote:

“Yes”: W. McArdle, S. Abbott, J. Hewitt, D. Smith

“No”:

Motion Passed: 4 to 0

b. Approve draft MOU with POORT Re: DLCD Grant for Stormwater

MOTION: Councilor Abbott moved to approve the Memo of Understanding between the City of Port Orford and the POORT. Councilor Hewitt seconded the motion.

Councilor Hewitt pointed out the tremendous amount of work that has gone into this by POORT and Markus Meade, who really needs to be recognized by all his work with the people of Port Orford. Aaron Langston of POORT stated that they were pleased to be working with the council and they will do their best to achieve all the goals.

Councilor Abbott noted that he was pleased that the council had approved each step of these efforts and the stewardship unanimously and he felt we were on the right track.

Roll Call Vote:

“Yes”: W. McArdle, S. Abbott, J. Hewitt, D. Smith

“No”:

Motion Passed: 4 to 0

c. Approve Audit of FY2007-2008 Financial Statement

MOTION: Council Smith moved to approve the Audit of FY2007-2008 Financial Statement. The motion was seconded.

Roll Call Vote:

“Yes”: W. McArdle, S. Abbott, J. Hewitt, D. Smith

“No”:

Motion Passed: 4 to 0

8. Consent Calendar

- a. Approve Revised Meeting Minutes of:
November 17, 2008, Regular Session and Executive Session
- b. Approve Election Proclamation
- c. Approve Appointment of John Sovereign to TLT Committee
- d. [Item deleted earlier]
- e. Accept Resignation of Councilor Milton Finch, Sr.
- f. Approve Appointment of Erna Barnett to the Budget Committee
- g. Approve ROW Usage License for Chris Hawthorne at Battle Rock

MOTION: Councilor Smith moved to approve the consent calendar. It was seconded by Councilor Hewitt.

Roll Call Vote:

“Yes”: W. McArdle, S. Abbott, J. Hewitt, D. Smith

“No”:

Motion Passed: 4 to 0

9. Continuing Action Items

Jefferson Street Sinkhole

Mike Murphy reported that they put that out to bid and one of the bidders came up with a lot of engineering questions, which he then submitted to our Engineer. We issued an addendum and extended the deadline to Wednesday, December 24th, and he sent it out to nine potential bidders.

Website

Mayor Auburn asked if the website were up and running. Mike Murphy replied that it was and the last year's minutes were there, all the subcommittee minutes and the Administrator's reports. Mayor Auburn asked if that item could be removed from Continuing Action items. It was agreed to do so.

Police Levy

Mayor Auburn commented that the new council would have to decide what they want to do about the police levy if they want to try to resubmit it for election in May. Mr. Murphy noted that the filing deadline was in March so it would have to be decided early on.

10. Considerations

Citizen Considerations

Teresa Kolibaba stated that last meeting her mother submitted charges for her injury doing the city's work on their right of way. Frederick J. Carleton Law Offices for which Shala McKenzie Kudlac works stated that the City was sympathetic to your claimed injuries, but the City is not legally responsible for your medical bills. It is not your responsibility to weed the City's right of way. It is something you took upon yourself to do with City permission or request. She commented it further stated there did not seem to be any inherent danger on the property and her own over exertion caused her fall, etc.

Ms. Kolibaba then asked for clarification of Ms. McKenzie's opinion regarding who is responsible for weeding that space, and does everyone have to ask for permission to do anything on the City's right of way, and if the City requests someone to do the City's work and that person declines are they responsible for whatever happens on that right of way; and if they don't decline and do the City's bidding then are they responsible for any injuries to themselves because they agreed to that, and why doesn't the City mow their grass before the 4th of July as you claim it's your responsibility and is the City responsible for all the negative impact that happened on the right of way or are we.

Mrs. McKenzie Kulac replied that the City does have a process for anyone who wishes to conduct any work on a City right of way and Mike can tell you how to do that. It is the City's responsibility and not your responsibility to clean up the City's right of way. Teresa noted that was good.

Ms. Kolibaba brought up the fact that public works pulled up her fence posts because it was claimed the mail truck was running over the water meter because of them, yet you let every Tom, Harry and Dick use the City right of way but her. Is it because she doesn't have one, she asked. Mayor Auburn stated that the council found in favor of the mail truck.

Jack Pruitt of Port Orford Loop Rd. stated that sitting through this meeting he thought that if some stranger had dropped in being unaware of the history of these different events brought up at this meeting they would think that a great injustice had been done. You guys have taken a terrible pounding listening to some of the outrageous comments addressed to you. In the final analysis the secret ballot is what spoke. All those issues the people tonight were complaining about, the majority of the citizen's stated their opinion on them; on the liquor store slate, Milton Finch was the lowest vote getter, Scott Halse was the next lowest; the mayor write in went down, the police levy went down, so the council actually made the right decision in what you did and the people actually backed you up with this last election. He thanked the council.

Gayle Wilcox stated that in this last meeting Mayor you stated you would take responsibility for the action against Mark Creighton and the City Council needed to clean up their mess in advance of the new Council taking office. Could you explain what the mess is, or was? Mayor Auburn replied that he was not going to comment on that. You

may state your concerns and we'll listen to them. Ms. Wilcox then asked since we no longer have a Police Chief do we still have the same protection that we did before? Mayor Auburn repeated that she could express her concerns, but he was not going to answer her questions.

Staff Considerations – There were none.

Councilor Considerations

Councilor Abbott stated that he had one and that was that his wife had not written anything in the newspaper since the summer of '07, he believed, about anything. A personal attack, he stated, should be directed at him personally and not directed at his wife, and he would talk with Mr. Hergert after the meeting if he agreed because he did have a problem with that.

Also, Councilor Abbott wanted to thank his fellow councilors for serving with him the past four years and he felt there were a few things that were accomplished. One was the tree ordinance requiring a permit for cutting trees in the public right of way and public parks and secondly our approval of the stewardship of the marine reserve area unanimously, and putting Port Orford on the map statewide for leadership.

Councilor Smith stated it had been a pleasure serving with Steve. Ed and Milton over the last year and a half; there were lots of good things and lots of hard times, and he looked forward to serving with the new council, Caroline, Scott, Tim, Bill and John.

Mayor Considerations

Mayor Auburn stated that this was his last meeting and he had enjoyed representing the citizens and he tried to do the best he could for the City for the last four years and the years before that when he was on the council. He wished the new council and mayor good luck and he thought they would do a good job and felt they had had a smooth turn over. He wanted to thank Milton for his work on the council, although they didn't always agree, he did a fine job on the Parks Commission and he hoped they could remain friends after this. He thanked Ed Beck for coming back on the council. He didn't agree with Councilor Beck on everything either, but he also did a fine job and they seemed to get along and are still friends. Also, he wanted to thank Steve for his work on the council and he is the only one who has served the full four year term, besides himself. He thanked Steve and hoped he would continue to serve the community in some way.

Councilor Smith stated he would like to have everyone join him in giving Jim Auburn and Steve Abbott a hand for their years of service. There was a round of applause for Jim and Steve.

11. Future Meetings

Friday, January 2, 2009, at 4:00 pm, Special Meeting for Installation of New Council

Thursday, January 15, 2009, 7:00 pm, Regular City Council Meeting

Mayor Auburn asked if there were any further business to come before the council. Councilor Smith stated only that he believed that this is the shortest regular council meeting he has ever attended – 45 minutes.

12. Adjourn

After determining there was no further business, Mayor Auburn adjourned the regular meeting at 7:45 p.m.

By _____
Jim Auburn, Mayor

ATTEST:

Beverley Manes, City Recorder